

App. F. IX-4

Previous References

(1939.)
Legis

File No. 20-26

Serial Nos. 7-8'

Later References.

Legis 29-39 (1)
W. 127-43-1
W. 52-43-19 to 23.

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two of

Part ^A~~B~~ for November '39

SUBJECT.

Defence of India Ordinance and Rules.

No. O. 3441 of 22.11.39 Not for

P. S. Shanbhag
22.11.39

DEFENCE OF INDIA ORDINANCE AND RULES.

ral and Revenue
Secretariat.

File No.

of 19

[App. F. III-]

Serial
No.

A number of amendments have been made to the Defence of India Rules in British India. To keep the Rules here up to date and in conformity with British India, it may be necessary to amend our Rules.

All the amendments which have so far been received from the Residency have been consolidated and a draft Notification amending the Defence of India Rules of Mysore is put up for orders.

Reference is invited to the letters of the 24th October and the 22nd September. In the first, a notification prohibiting the flying of aircraft over specified areas except in accordance with conditions laid down in the notification is enclosed and it is requested that the Mysore Government also may take similar action. It does not appear necessary to specify any area in the State in this behalf. In the second letter a notification under the Volunteer Reserve Ordinance is forwarded and no action appears necessary here.

Another notification specifying the offences under the Aircraft Act that come for enhanced punishment under the Defence of India Ordinance is also put up on the lines of a similar notification of British India.

Done

7-11-39

If approved, this a notification amending the Defence of India Rules will be issued. This will bring the rules up to date (8 November)

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7/11

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Printed and Published by the Government of India, Secretariat, Delhi.

File No.

General and Revenue
Secretariat.

Serial
No.

From

The Secretary to the Honble the Resident

Ms 7. 59 - 39/W. d 7. 11. 39

Suggest that the notification publishing the offences under Rules

may be amended so as to include amendments made

from time to time in British India

It entered a paragraph in the draft notification

in which the suggested amendment to the notification

added.

Encl

20. 11. 39

W. S. S. S.

BKR

20. 11. 39

W. S. S. S.

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21. 11

W. S. S. S.

22. 11. 39

Issued P 3440 - Sep 20 - 39 - 7 publishing certain
amendments to the Rules and the notification publishing them.

Joined Mr. Leake P 3441 - Sep 20. 39 - d 22. 11. 39

publishing Rules & Order under the Honble Act for the Company

Section 5 (2) (a), the Defence of India Commission

Admission &
Defence & India Pub. — Review & ment.

General and Revenue
Secretariat.

File No.

of 19

[App. F. III-2]

Serial
No.

Issued Pol 706 dated 23. 11. 39 to the Residency.

THE OFFICE OF THE HON'BLE THE RESIDENT
IN MYSORE,

Dated Bangalore, the 22nd September 1939.

No.F.59-39.

A copy of the undermentioned papers is forwarded with compliments to the Chief Secretary to the Government of His Highness the Maharaja of Mysore, Bangalore, for information.



By order, etc.,

Rueyan

Secretary to the Resident.

Telegram from the Government of India, Defence Co-ordination Department, to Provincial Governments etc., No.4156, dated the 9th September 1939.

Notification by the Government of India, Department of Communications, No.W.10(9).., dated the 11th September 1939.

Telegram from the Government of India, Defence
Co-ordination Department, No.4156, dated the 9th
September 1939.

Following amendment made in sub-rule (2) of rule
26 of Defence of India Rules, for brackets and letter
~~##~~ "(c)" read brackets and letter "(b)". Issued
in yesterday's Gazette Extraordinary.

" C O P Y "

Notification by the Government of India, Department
of Communications, No.W.10(9)., dated^{Simla,}the 11th
September 1939.

No.W10(9).- In pursuance of clause (a) of sub-section (2) of section 5 of the Defence of India Ordinance, 1939, the Central Government is pleased to specify for the purposes of the said sub-section the following rules and orders made under the Indian Aircraft Act, 1934 (XXII of 1934) namely:-

- (i) any rules providing for the matters specified in clauses (d), (h), (i), (j), (k) or (l) of sub-section (2) of section 5 of the said Act,
- (ii) any orders made under sub-section (1) of section 6 of the said Act.
- (iii) any rules made under sub-section (2) of section 8 of the said Act, and
- (iv) rules 5,7,8,12,12-A, 13 and 18 in Part II, all rules in Parts IV and VIII, and rules 135, 136 and 137 in Part XIII of the Indian Aircraft Rules, 1937.

John D.Tyson,
Secretary to the Government of India
" C O P Y "

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

Dis. No. F193-39(30)W.

Col 558

FROM



THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE

The Chief Secretary to the Government of

His Highness the Maharaja of Mysore, Bangalore.

Dated Bangalore, the 22nd September 1939.

WAR - ORDINANCES AND ORDERS.

SIR,

In continuation of my letter No.F.181-39/W, dated the 20th September 1939, I am directed to forward for information a copy of notification by the Government of India, Defence Department, No.1197-A, dated the 13th September 1939.

I have the honour to be,
Sir,
Your most obedient servant,

Prinsep.

SECRETARY TO THE RESIDENT.

10/11

THE GAZETTE OF INDIA.

Extraordinary.

Published by Authority

Simla, Wednesday, September 13, 1939.

Government of India.

DEFENCE DEPARTMENT.

Simla, the 13th September 1939.

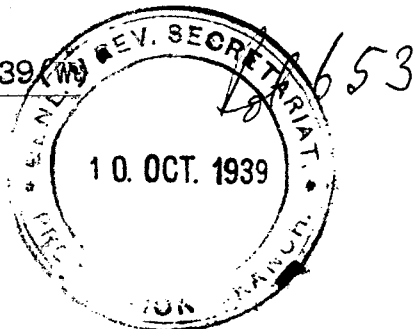
No.1197-A.- In pursuance of sub-section (3) of section 1 of the Indian Air Force Volunteer Reserve (Discipline) Ordinance 1939 (Ordinance No.VII of 1939), the Central Government is pleased to appoint the 16th day of September 1939 as the date on which the said Ordinance shall come into force.

C.MacI.G.Ogilvie,
Secretary to the Government of India

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

2458/P

Dis. No. F. 59-39/79



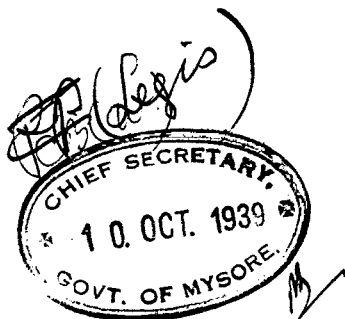
FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

TO

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

Dated Bangalore, the 9th October 1939.



DEFENCE OF INDIA RULES.

SIR,

I am directed to draw the attention of the Government of Mysore to the notification by the Government of India, Defence Co-ordination Department, No.239-OR/39, dated the 29th September 1939 (copy enclosed).

I have the honour to be,
Sir,
Your most obedient servant,

Pranaya

SECRETARY TO THE RESIDENT.

105

Gazette of India Extraordinary.
Government of India.
Defence Co-ordination Department.

NOTIFICATION.

Simla, the 29th September 1939.

No. 239-OR/39-. In exercise of the powers conferred by section 2 of the Defence of India Ordinance, 1939, the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:-

For rule 101 of the said Rules, the following rule shall be substituted, namely:-

"Supervision
of suspected
business.

101. (1) If it appears to the Central Government that the business of any person (hereinafter referred to as the suspected person) should be subject to supervision in order to secure compliance with the provisions of this Part, the Central Government may by order authorise a controller or inspector to supervise such business.

(2) A controller or inspector authorised under sub-rule (1) may -

- (a) inspect or cause to be inspected any books or documents belonging to, or under the control of the suspected person,
- (b) prohibit or regulate by means of written instructions to the suspected person or his agents or employees any transactions or class of transactions of that person.

- (c) order any person to give such information in his possession with respect to the business of the suspected person as the controller or inspector may require,

and for the purposes aforesaid, may -

- (i) enter and search, or authorise a police officer not below the rank of Sub-Inspector to enter and search, any premises used for the purposes of the business,
- (ii) summon any person, examine him on oath, reduce his answers to writing and require him to sign the writing,
- (iii) if any person so summoned fails to appear at the time appointed, cause him to be apprehended by a police officer and brought before him for examination.

(3) If any person contravenes any order lawfully given by a controller or inspector, that person shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine."

A. deC. Williams.

Secretary to the Government of India.

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

2691/P

~~133~~ No. F. 59-39/W

Col 725

C. 31232

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

TO

The Chief Secretary to the Government of

His Highness the Maharaja of Mysore, Bangalore.



Dated Bangalore, the 24th October 1939.

DEFENCE OF INDIA RULES.

SIR,

I am directed to draw the attention of the Government of Mysore to the notifications by the Government of India, Defence Co-ordination Department, Nos. 241-O.R./39 and 209-O.R./39, dated the 3rd and 6th October 1939, copies of which are enclosed.

I have the honour to be,

Sir,

Your most obedient servant,

Thurman

SECRETARY TO THE RESIDENT.

mmR

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 3rd October 1939.

No. 241-O. R./39.—In exercise of the powers conferred by section 2 of the Defence of India Ordinance, 1939, the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely:—

In rule 114 of the said Rules,—

In sub-rule (1)—

(a) for the words “one or more custodians of enemy property” the following shall be substituted, namely:—

“a Custodian of Enemy Property for British India and one or more Deputy Custodians and Assistant Custodians of Enemy Property for such local areas as may be prescribed”; and

(b) in clauses (d) and (e) for the word “custodians” the word “custodian” shall be substituted.

After sub-rule (3), the following sub-rule shall be inserted, namely:—

“(3A) In sub-rules (1), (2) and (3), the expression “custodian” includes a Deputy Custodian of Enemy Property and an Assistant Custodian of Enemy Property.”

A. DEC. WILLIAMS,

Secretary to the Government of India.

GOVERNMENT OF INDIA
DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 6th October 1939.

No.209-OR/39.- In exercise of the powers conferred by section 2 of the Defence of India Ordinance, 1939, the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely:-

In the said Rules, after words "of any premises" in sub-rule (2) of rule 50, after the words "disposal of the Central Government" in sub-rule (2) of rule 68, after the words "disposal of the Central Government" in sub-rule (2) of rule 73, and after the words "or a Provincial Government" in sub-rule (1) of rule 96, the words and figures "and the circumstances are not such as to render the provisions of section 18 of the Ordinance applicable" shall be inserted.

A. deC. WILLIAMS,
Secretary to the Government of India.

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"C O P Y"

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No.F.181-39/W.

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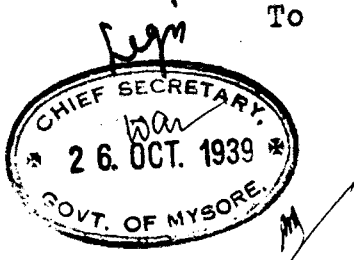
C B 1233

From

The Secretary to the Hon'ble the Resident in Mysore.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.



Dated Bangalore, the 24th October 1939.

AIRCRAFT AND FLYING RESTRICTIONS.

Sir,

I am directed to draw the attention of the Government of Mysore to paragraph 2 of notification by the Government of India, Department of Communications, No.W-10/3, dated the 28th August 1939 (copy enclosed). The Resident will be glad if the Government of Mysore will kindly make such similar provision in the State as is required.

I have the honour to be,
Sir,
Your most obedient servant,

Phulgar

SECRETARY TO THE RESIDENT.

mmR

DEPARTMENT OF COMMUNICATIONS.

NOTIFICATION.

Simla, the 28th August 1939.

No. W.-10|3.—Whereas the Central Government is of opinion that in the interests of public safety the issue of certain orders of the nature specified in clause (b) of sub-section (1) of section 6 of the Indian Aircraft Act, 1934 (XXII of 1934) is expedient :

And whereas the taking of certain steps to secure compliance with the said orders appears to the Central Government to be necessary :

Now therefore, in exercise of the powers conferred by sub-sections (1) and (3) of the said section, the Central Government is pleased to make orders and to authorize the taking of steps to secure compliance with the same as follows :—

1. No person shall fly or assist in flying an aircraft over any of the areas specified in column 1 of the First Schedule annexed hereto except in the circumstances and in accordance with the conditions specified in the corresponding

entry in column 2 thereof ; and the provisions of rule 12 of the Indian Aircraft Rules, 1937, shall apply to these areas as they apply to areas over which the navigation of aircraft is prohibited under that rule.

2. No aircraft shall enter British India from a place outside India or shall leave British India for a place outside India except by landing at or departing from one of the appointed customs aerodromes at Karachi, Bombay, Madras, Trichinopoly or Calcutta.

Every aircraft approaching or leaving Karachi and any aircraft approaching or leaving Calcutta over the area specified in column 1 of the First Schedule annexed hereto shall fly along the appropriate air corridor specified in the Second Schedule annexed hereto, and the provisions of rule 114 of the Indian Aircraft Rules, 1937, shall apply to those air corridors as they apply to air traffic routes.

4. Any aircraft which fails to comply with any of the provisions of this Order may be fired on or otherwise compelled to land.

THE FIRST SCHEDULE.

Area.	Circumstances and conditions.
1	
The area lying within a radius of eight miles from Keamari.	Seaplanes proceeding to or from Karachi sea-plane port shall be flown along the Corridor prescribed in Schedule II and subject to the conditions prescribed in paragraph 3.
<i>II. Calcutta.</i>	
The area (excepting the area within a radius of 2 miles of Chittagong aerodrome) to the south of the following lines :—	Aircraft proceeding to or from Calcutta may be flown along the Corridor prescribed in Schedule II and subject to the conditions prescribed in paragraph 3.
A straight line joining Chittagong aerodrome and Dum Dum Junction Railway Station ; thence a straight line to Amta Railway Station ; thence the Damodar River downstream to the B. N. Railway and the railway line <i>via</i> Khargpur to Balasore.	

Area.

circumstances and conditions.

III. Bombay.

The area (excepting the area within a radius of two miles of Juhu aerodrome) to the west and south of the following lines:—

The railway line from Pananu via Bassein Bridge to Juhu; thence by a straight line due east to the Bombay Thana railway; the railway line via Thana approximately north east to Kalyan; a straight line from Kalyan approximately to Ratnagiri.

When it is necessary by reason of poor visibility or other emergency to follow the railway lines or road specified in column 1, aircraft may be flown over the area provided that they are not flown at an altitude exceeding 1,500 feet or at a distance from the railway line or road exceeding 400 yards and the provisions contained in rule 114 of the Aircraft Rules, 1937; are observed.

IV. Madras

The area (excepting the area within a radius of two miles of St. Thomas' Mount aerodrome) to the east of the following lines:—

The railway line from Tindivanam in the south to St. Thomas' Mount Railway Station; thence a straight line to

Govt of India, Deptt of
Communications, P.W.D. No. W 10(1),
L 29-9-39, 1.

V. ASSA

The area lying within a radius of 20 miles from Digboi Railway Station (Latitude $27^{\circ} 23'$ N. Longitude 91°

A.—To and from the West.

From Jiwani along and within 10 miles of the Land planes.—North side of the Karachi port
Seaplanes.—Along the coast within a zone 1,000 feet, thence along the shipping channel at an

To and from the East.

Land planes.—No corridor.

Seaplanes.—Along the shipping channel to Manora Signal Station to the limits of the shipping channel, thence within a zone 1,000 feet, thence within a zone 1,000 feet from Manora Signal Station to the limits of the shipping channel.

Land from

zone five miles in width along a true course to the mouth of the Haringhata River (Latitude $23^{\circ} 15'$ N. Longitude $91^{\circ} 15'$ E.)

2657/P

F. 193-39(55)/W.

Pol 740

All communications should be addressed by designation and not by name.

~~DIS~~ No.

FROM

THE ~~XXXXXX~~ SECRETARY TO THE RESIDENT IN MYSORE.

TO



The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

Dated Bangalore, 26th October 1939.

THE GOVERNMENT OF INDIA ACT
(AMENDMENT) ACT, 1939.

SIR,

I am directed to forward a copy of the Government
of India Act (Amendment) Act, 1939.

I have the honour to be,

Sir,

Your most obedient servant,

for SECRETARY TO THE RESIDENT.

1017.

2 & 3 GEO. 6.

Government of India
Act (Amendment) Act, 1939.

CH. 66.



CHAPTER 66.

An Act to amend the Government of India Act,
1935. [1st September 1939.]

BE it enacted by the King's most Excellent Majesty,
by and with the advice and consent of the Lords
Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the authority of the same,
as follows :—

1.—(1) After section one hundred and twenty-six Amend-
the Government of India Act, 1935, there shall be ments as to
inserted the following section :— Proclama-
tions of
Emergency.

“ 126A. Where a Proclamation of Emergency
is in operation whereby the Governor-General has 26 & 27
declared that the security of India is threatened Geo. 5. c. 2.
by war—

(a) the executive authority of the Federation
shall extend to the giving of directions to
a Province as to the manner in which the
executive authority thereof is to be exer-
cised, and any directions so given shall for
the purposes of the last preceding section
be deemed to be directions given there-
under

(b) any power of the Federal Legislature to
make laws for a Province with respect to
any matter shall include power to make
laws as respects a Province conferring
powers and imposing duties, or author-
ising the conferring of powers and the
imposition of duties, upon the Federation

or officers and authorities of the Federation, as respects that matter, notwithstanding that it is one with respect to which the Provincial Legislature also has power to make laws.

Provided that no Bill or amendment which as respects a Province, confers powers or imposes duties, or authorises the conferring of powers or the imposition of duties, upon the Federation or upon officers or authorities of the Federation in relation to such a matter as aforesaid shall be introduced or moved without the previous sanction of the Governor-General in his discretion, and the Governor-General shall not give his sanction unless it appears to him that the provision proposed to be made is a proper provision in view of the nature of the emergency.

(2) The following consequential amendment shall, for the avoidance of doubt, be made in subsections (2) and (3) of section one hundred and twenty-four of the said Act, that is to say, after the word "duties" there shall be inserted the words "or authorise the conferring of powers and the imposition of duties

(3) At the end of section one hundred and two of the said Act, there shall, for the avoidance of doubt be inserted the following subsection—

A Proclamation or emergency declaring that the security of India is threatened by war or by internal disturbance may be made before the actual occurrence of war or of any such disturbance if the Governor-General in his discretion is satisfied that there is imminent danger thereof.

—(1) This Act may be cited as the Government of India Act (Amendment) Act, 1939.

2) This Act shall be deemed to have come into force on the commencement of Part III of the Government of India Act, 1935.

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

EX. No. F. 59-39(W). C. 31349

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

TO

The Chief Secretary to the Government of

His Highness the Maharaja of Mysore, Bangalore.

Dated Bangalore, the 31st October 1939.



DEFENCE OF INDIA RULES.

SIR,

I am directed to forward for the information of the Government of Mysore a copy of notification by the Government of India, Defence Co-ordination Department, No.250-OR/39, dated the 13th October 1939.

I have the honour to be,

Sir,

Your most obedient servant,

R. K. Rao

SECRETARY TO THE RESIDENT.

mk

GOVERNMENT OF INDIA.
DEFENCE CO-ORDINATION DEPARTMENT.

- - - -

NOTIFICATION.

New Delhi, the 13th October 1939.

No.250-OR/39.- In exercise of the powers conferred by section 2 of the Defence of India Ordinance, 1939, the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely:-

In rule 65 of the said Rules-

- (a) In sub-rule (1), for the word and figures "rule 61", the word and figures "rule 60" shall be substituted,
- (b) In sub-rule (4)-
 - (i) for the words "particular vessel", the words "vessel or class of vessels" shall be substituted.
 - (ii) in clauses (a) and (b), for the words "the vessel", the words "such vessel or class of vessels" shall be substituted, and
 - (iii) after clause (b), the following word and clause shall be inserted, namely:-

"or
- (c) for determining the order of priority in which specified goods or classes of goods shall be put off or taken on board such vessel or class of ~~vessels~~ vessels at a port in British India", .

A. deC. WILLIAMS,
Secretary to the Government of India.

---:O:---

"C O P Y"

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

Ref 820
Disc No. F. 59-39(W).

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE

TO

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.



Dated Bangalore, the 7th November 1939

THE DEFENCE OF INDIA RULES.

SIR,

I am directed to forward for the information of the

Government of Mysore copies of the notifications noted in

1. Notification by the Government of India, Department of Labour, No.B-52(1), dated the 28th September 1939.)
the margin.)
2. Notification by the Government of India, Defence Co-ordination Department, No.256-OR/39, dated the 23rd October 1939.)
-----)

I have the honour to be,
Sir,
Your most obedient servant


SECRETARY TO THE RESIDENT.



DEPARTMENT OF LABOUR.

NOTIFICATION.

Simla, the 28th September 1939.

No.B,-52(1)- In exercise of the powers conferred by section 2 of the Defence of India Ordinance, 1939, the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:-

In rule 81 of the said Rules, after clause (b) of sub-rule (2), the following clause shall be inserted, namely:-

"(bb) for controlling the rents in any urban area for residential accommodation, whether furnished or unfurnished and whether with or without board;".

M. S. A HYDARI,

Secretary to the Government of India .

---:O:---

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 23rd October 1939.

No.256-OR./39.- In exercise of the powers conferred by section 2 of the Defence of India Ordinance, 1939, the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:-

In rule 7, for the words "in such place", the words "in relation to such place" shall be substituted.

A. deC. WILLIAMS,

Secretary to the Government of India .

---:O:---
"C O P Y"

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

3234/33
p 837

EX. No. F. 59-39(II).

1.891

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE

TO

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Dated Bangalore, the 18th November 1939

DEFENCE OF INDIA RULES.

SIR,

I am directed to draw the attention of the Government of Mysore to the notification by the Government of India, Defence Co-ordination Department, No.209-O.R/39, dated the 4th November 1939, a copy of which is enclosed.

I have the honour to be,
Sir,
Your most obedient servant,

R. S. Rao

SECRETARY TO THE RESIDENT.

R. S. Rao

Legi
C.B.
Mysore
Lawyer
MS
18/11
20/11/39

GOVERNMENT OF INDIA.
DEFENCE CO-ORDINATION DEPARTMENT.
NOTIFICATION.

New Delhi, the 4th November 1939.

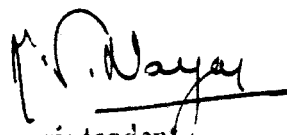
No.209-OR/39.- In exercise of the powers conferred by section 2 of the Defence of India Ordinance, 1939, the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely -

- (1) In sub-rule (1) of rule 40 of the said Rules, for the words "this Ordinance", the words "the Ordinance" shall be substituted.
- (2) In sub-rule (2) of rule 96 of the said Rules --
 - (a) for the words "The Central Government" the words "In default of agreement between Government and the owner of the property, the Central Government" shall be substituted;
 - (b) for the words "the preceding sub-rules" the word, figure and brackets "sub-rule (1)" shall be substituted.

A. deC. WILLIAMS,

SECRETARY TO THE GOVERNMENT OF INDIA.

"COPY".


Superintendent
Resident's Office,
Bangalore.



The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

Ms. No. F. 59-39/W.

Col 821

2/457

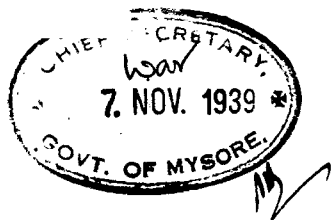
CS.

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

TO

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.



Dated Bangalore, the 7th November 1939.

THE DEFENCE OF INDIA ORDINANCE
AND RULES.

SIR,

I am directed to refer to the notification of the Government of Mysore No.P.1371-Legis.20-39-2, dated the 4th September 1939, applying the Defence of India Rules to Mysore.

2. The Resident would be grateful if the Government of Mysore would kindly add the words "subject to any amendments to which the said Rules are for the time being subject in British India" at the end of the notification.

3. Presumably by Clause 1 of the order applying the Ordinance, the Ordinance itself applies subject to amendments made to it from time to time in British India.

I have the honour to be,
Sir,
Your most obedient servant,

Handwritten signature

SECRETARY TO THE RESIDENT.

Handwritten initials

Government of His Highness the Maharaja of Mysore,

General and Revenue Secretariat.

No.P.

Dated Bangalore the 7th November 1939.

NOTIFICATION.

In exercise of the powers conferred by section 2 of the Defence of India Ordinance 1939, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following amendments shall be made in the Defence of India Rules, as applied to Mysore, namely:-

1. In rule 7 of the said Rules, for the words "in such place," the words "in relation to such place" shall be substituted.
2. In rule 26 of the said Rules, in sub-rule (2), for the brackets and letter "(c)", the brackets and letter "(b)" shall be substituted.
3. In sub-rule (1) of rule 40 of the said Rules, for the words "this ordinance", the words "the ordinance" shall be substituted.
4. In the said Rules, after the words "of any premises" in sub-rule (2) of rule 50, after the words "disposal of the Central Government" in sub-rule (2) of rule 68, after the words "disposal of the Central Government" in sub-rule (2) of rule 73, and after the words "or a Provincial Government" in sub-rule (1) of rule 96, the words and figures "and the circumstances are not such as to render the provisions of section 18 of the Ordinance applicable" shall be inserted.
5. In rule 65 of the said Rules, -
- (a) In sub-rule (1), for the word and figures "rule 61" the word
/and figures "rule 60" shall be substituted;
 - (b) In sub-rule (4)-
 - (i) for the words "particular vessel", the words
"vessel or class of vessels" shall be substituted,
 - (ii) in clauses (a) and (b), for the words "the vessel", the words "such vessel or class of vessels" shall be substituted, and
 - (iii) after clause (b), the following word and clause shall be inserted, namely:-

"or"
 - (c) for determining the order of priority in which specified goods or classes of goods shall be

put off or taken on board such vessel or class
of vessels at a port in British India",.

7 ~~85~~. In rule 91 of the said Rules -

(a) in sub-rule (3) for the words " Central
Government" the words "Reserve Bank of
India" shall be substituted;

*In rule 81 of the said Rules,
after clause (b) of sub-rule (2),
the following clause shall be inserted,
namely:-*

*"(bb) for controlling the rents in any
urban area for residential
accommodation, whether furnished or
unfurnished and whether with or
without board;"*

(b) in sub-rule (4) for the words "by or on
behalf of the Central Government," at
both places where those words occur,
the words "by the Reserve Bank of India"
shall be substituted.

~~85~~. In rule 93 of the said Rules, for the
words "Central Government" wherever they occur,
the words " Reserve Bank of India" shall be substi-
tuted.

9 In sub-rule (2) of rule 96 of the said Rules -

(a) for the words "the Central Government," the words "In
default of agreement between Government and the owner
of the property, the Central Government" shall be substituted;

(b) for the words "the preceding sub-rules" the word
figure and brackets "sub-rule (1)" shall be
substituted.

~~put off or taken on board such vessel or class~~
~~of vessels at a port in British India",~~

10 ~~8~~ ~~4~~ For rule 101 of the said Rules, the following rule shall be substituted, namely:-

"Supervision
of suspected
business.

101. (1) If it appears to the Central Government that the business of any person (hereinafter referred to as the suspected person) should be subject to supervision in order to secure compliance with the provisions of this Part, the Central Government may by order authorise a controller or inspector to supervise such business.

(2) A controller or inspector authorised under sub-rule (1) may -

- (a) inspect or cause to be inspected any books or documents belonging to, or under the control of the suspected person,
- (b) prohibit or regulate by means of written instructions to the suspected person or his agents or employees any transactions or class of transactions of that person,
- (c) order any person to give such information in his possession with -- respect to the business of the suspected person as the controller or inspector may require,

and for the purposes aforesaid, may -

- (1) enter and search, or authorise a police officer not below the rank of sub-inspector to enter and search, any

premises used for the purposes of the business,
(ii) summon any person, examine him on oath, reduce his answers to writing and require him to sign the writing,

(iii) if any person so summoned fails to appear at the time appointed, cause him to be apprehended by a police officer and brought before him for examination.

(3) If any person contravenes any order lawfully given by a controller or inspector, that person shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine."

9 X. In rule 114 of the said Rules, -

In sub-rule (1) -

(a) for the words "one or more custodians of enemy property" the following shall be substituted, namely:-

"a Custodian of Enemy Property for British India and one or more Deputy Custodians and Assistant Custodians ~~xxx~~ of Enemy Property for such local areas as may be prescribed"; and

(b) in clauses (d) and (e) for the word "custodians" the word "custodian" shall be substituted.

After sub-rule (3), the following sub-rule shall be inserted, namely:-

"(3A) In sub-rules (1), (2) and (3), the expression "custodian" includes a Deputy Custodian of Enemy Property and an Assistant Custodian of ~~xxx~~ Enemy Property. "

*please add the Contingency pay
as another paragraph*

By Order,

Secretary to Government
Law Department.

To

The Compiler, Mysore Gazette for publication. 25 spare copies may be sent to this office.

They are further pleased to direct ~~and~~^{that} - in notification
no P 1371 - Regis 20-39-2 dated Bangalore, the 4th September
1939, applying mutatis mutandis to Mysore, the Defence Land
Rules, after the words "amended hereto" the following
words shall be added, namely "and subject to any
amendments to which the said Rules are for the time
being subject in British India".

Yours

Secretary to Govt
Law Department

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

No.P.

Dated Bangalore the 7th November 1939.

Notification.

In pursuance of clause (a) of sub-section (2) of section 5 of the Defence of India Ordinance 1939, as applied to Mysore, the Government of His Highness the Maharaja are pleased to specify for the purposes of the said sub-section the following rules and orders made under the Indian Aircraft Act, 1934 (XXII of 1934), namely:-

- (i) any rules providing for the matters specified in clauses (d), (h), (j), (k) or (l) of sub-section (2) of section 5 of the said Act,
- (ii) any orders made under sub-section (1) of section 6 of the said Act,
- (iii) any rules made under sub-section (2) of section 8 of the said Act, and
- (iv) rules 5,7,8,12,12-A,13 and 18 in Part II, all rules in Parts IV and VIII, and rules 135, 136 and 137 in Part XIII of the Indian Aircraft Rules, 1937.

By Order



Secretary to Government
Law Department.

To

The Compiler Mysore Gazette for publication in the
Gazette. 25 spare copies may be sent to this office.

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

G.O.P. 3440
Legis 20-39-7 Dated Bangalore the 22nd November 1939.

NOTIFICATION.

In exercise of the powers conferred by section 2 of the Defence of India Ordinance, 1939, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following amendments shall be made to the Defence of India Rules, as applied to Mysore, namely:-

1. In rule 7 of the said Rules for the words "in such place" the words "in relation to such place" shall be substituted.

2. In rule 26 of the said Rules, in sub-rule (2), for the brackets and letter "(c)", the brackets and letter "(b)" shall be substituted.

3. In sub-rule (1) of rule 40 of the said Rules, for the words "this Ordinance" the words "the Ordinance" shall be substituted.

4. In the said Rules, after the words "of any premises" in sub-rule (2) of rule 50, after the words "disposal of the Central Government" in sub-rule (2) of rule 68, after the words "disposal of the Central Government" in sub-rule (2) of rule 73, and after the words "or a Provincial Government" in sub-rule (1) of rule 96, the words and figures " and the circumstances are not such as to render the provisions of section 18 of the Ordinance applicable" shall be inserted.

5. In rule 65 of the said Rules, -

(a) In sub-rule (1), for the word and figures "rule 61" the word and figures "rule 60" shall be substituted;

(b) In sub-rule (4)-

(i) for the words "particular vessel", the words "vessel or class of vessels" shall be substituted,

(ii) in clauses (a) and (b), for the words "the vessel", the words "such vessel or class of

vessels" shall be substituted, and

(iii) after clause (b), the following word and clause shall be inserted, namely:-

"or

(c) for determining the order of priority in which specified goods or classes of goods shall be put off or taken on board such vessel or class of vessels at a port in British India".

6. In rule 81 of the said Rules, after clause (b) of sub-rule (2), the following clause shall be inserted, namely:-

"(bb) for controlling the rents in any urban area for residential accommodation, whether furnished or unfurnished and whether with or without board;".

7. In rule 91 of the said Rules -

(a) in sub-rule (3) for the words " Central Government" the words "Reserve Bank of India" shall be substituted; and

(b) in sub-rule (4) for the words "by or on behalf of the Central Government" at both places where those words occur, the words " by the Reserve Bank of India" shall ~~may~~ be substituted.

8. In rule 93 of the said Rules, for the words " Central Government" wherever they occur, the words " Reserve Bank of India" shall be substituted.

9. In sub-rule (2) of rule 96 of the said Rules -

(a) for the words " The Central Government" the words "In default of agreement between Government and the owner of the property, the Central Government" shall be substituted; and

(b) for the words " the preceding sub-rules" the words, figure and brackets "sub-rule (1)" shall be substituted.

10. For rule 101 of the said Rules, the following rule shall be substituted, namely:-

"supervision
of suspected
business

101. (1, If it appears
Government that the business of any person
(hereinafter referred to as the suspected
should be subject to supervision in order to
secure compliance with the provisions of the
Part, the Central Government may by order
authorise a controller or inspector to super-
such business.

(2) A controller or inspector authorised
under sub-rule (1) may -

- (a) inspect or cause to be inspected any
or documents belonging to, or under the
control of the suspected person,
- (b) prohibit or regulate by means of written
instructions to the suspected person
agents or employees any transactions
of transactions of that person,
- (c) order any person to give such information
his possession with respect to
of the suspected person as the
inspector may require,

and for the purposes aforesaid, may

- (1) enter and search, or authorise
officer not below the rank of
to enter and search, any premises
the purposes of the business,
- (2) summon any person, examine him
reduce his answers to writing,
him to sign the writing,
- (3) if any person so summoned fails
at the time appointed, cause
prehenuded by a police officer
before him for examination

(3) If any person contravenes
lawfully given by a controller
person shall be punishable

a term which may extend to six months and shall also be liable to fine."

11. In rule 114 of the said Rules -
in sub-rule (1) -

(a) for the words " one or more custodians of enemy property" the following shall be substituted namely:-

" a Custodian of Enemy Property for British India and one or more Deputy Custodians and Assistant Custodians of Enemy Property for such local areas as may be prescribed"; and

(b) in clauses (d) and (e) for the word "custodians" the word " custodian" shall be substituted.

after sub-rule (3), the following sub-rule shall be inserted, namely:-

"(3A) In sub-rules (1), (2) and (3), the expression " custodian" includes a Deputy Custodian of Enemy Property and ~~an~~ an Assistant Custodian of Enemy Property."

They are further pleased to direct that in Notification No.1.1371-Legis 25-39-2 dated Bangalore, the 4th September 1939 applying mutatis mutandis to Mysore the Defence of India Rules, after the words " annexed hereto" the following words shall be added, namely:-

"and subject to any amendments to which the said Rules are for the time being subject in British India."

By Order,

Secretary to Government
3 Law Department.

To
The Compiler Mysore Gazette for publication in tomorrow's issue of the Gazette.

NOTIFICATION.

No. P. 3441—*Legis.* 20-39-8, dated Bangalore,
the 22nd November 1939.

In pursuance of clause (a) of sub-section (2) of section 5 of the Defence of India Ordinance, 1939, as applied to Mysore, the Government of His Highness the Maharaja are pleased to specify for the purposes of the said sub-section the following rules and orders made under the Indian Aircraft Act, 1934 (XXII of 1934), namely :—

- (i) any rules providing for the matters specified in clauses (d), (h), (j), (k) or (l) of sub-section (2) of section 5 of the said Act,
- (ii) any orders made under sub-section (1) of section 6 of the said Act,
- (iii) any rules made under sub-section (2) of section 8 of the said Act, and
- (iv) rules 5, 7, 8, 12, 12-A, 13 and 18 in Part II, all rules in Parts IV and VIII, and rules 135, 136 and 137 in Part XIII of the Indian Aircraft Rules, 1937.

By Order,

C. SUBRAHMANYA AIYAR,

*Secretary to Government,
Law Department.*

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

No.P. 3441
Legis 20-39-8 Dated Bangalore the 22nd November 1939.

NOTIFICATION.

In pursuance of clause (a) of sub-section (2) of section 5 of the Defence of India Ordinance 1939, as applied to Mysore, the Government of His Highness the Maharaja are pleased to specify for the purposes of the said sub-section the following rules and orders made under the Indian Aircraft Act, 1934 (XXII of 1934), namely:-

- (i) any rules providing for the matters specified in clauses (d), (h), (j), (k) or (l) of sub-section (2) of section 5 of the said Act,
- (ii) any orders made under sub-section (1) of section 6 of the said Act,
- (iii) any rules made under sub-section (2) of section 8 of the said Act, and
- (iv) rules 5, 7, 8, 12, 12-A, 13 and 18 in Part II, all rules in Parts IV and VIII, and rules 135, 136 and 137 in Part XIII of the Indian Aircraft Rules, 1937.

By order,

h
Secretary to Government
Law Department.

To

The Compiler, Mysore Gazette for publication in the Gazette. 25 spare copies may be sent to this office.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore. 22nd November 1939.

No. Pol 706

23rd

From

~~The~~ General Secretary to the Government of His Highness
the Maharaja of Mysore.

Law Department.

To

The Secretary to the Hon'ble the Resident in Mysore.

Sir,

DEFENCE OF INDIA ORDINANCE AND RULES.

With reference to your letter No.F.59-39/W dated 7th November 1939 on the above subject, suggesting an amendment to the notification applying the Defence of India Rules to Mysore, I am directed to state that a notification has been issued today amending inter alia the -- original notification in the manner suggested

I have the honor to be,

Sir,

Your most obedient servant,

W

Secretary to Government

Law Department.

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

No.P.

Dated Bangalore the 7th November 1939.

Notification.

In pursuance of clause (a) of sub-section (2) of section 5 of the Defence of India Ordinance 1939, as applied to Mysore, the Government of His Highness the Maharaja are pleased to specify for the purposes of the said sub-section the following rules and orders made under the Indian Aircraft Act, 1934 (XXII of 1934), namely:-

- (i) any rules providing for the matters specified in clauses (d), (h), (j), (k) or (l) of sub-section (2) of section 5 of the said Act,
- (ii) any orders made under sub-section (1) of section 6 of the said Act,
- (iii) any rules made under sub-section (2) of section 8 of the said Act, and
- (iv) rules 5, 7, 8, 12, 12-A, 13 and 18 in Part II, all rules in Parts IV and VIII, and rules 135, 136 and 137 in Part XIII of the Indian Aircraft Rules, 1937.

By Order

Secretary to Government
Law Department.

To

The Compiler Mysore Gazette for publication in the
Gazette. 25 spare copies may be sent to this office.

Government of His Highness the Maharaja of Mysore,

General and Revenue Secretariat.

No.P.

Dated Bangalore the 7th November 1938.

NOTIFICATION.

In exercise of the powers conferred by section 2 of the Defence of India Ordinance 1939, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following amendments shall be made in the Defence of India Rules, as applied to Mysore, namely:-

1. In rule 26 of the said Rules, in sub-rule (2), for the brackets and letter "(c)", the brackets and letter "(b)" shall be substituted.

2. In the said Rules, after the words "of any premises" in sub-rule (2) of rule 50, after the words "disposal of the Central Government" in sub-rule (2) of rule 68, after the words "disposal of the Central Government" in sub-rule (2) of rule 73, and after the words "or a Provincial Government" in sub-rule (1) of rule 96, the words and figures "and the circumstances are not such as to render the provisions of section 18 of the Ordinance applicable" shall be inserted.

3. In rule 65 of the said Rules, -

(a) In sub-rule (1), for the word and figures "rule 61 the word
/and figures "rule 60" shall be substituted;

(b) In sub-rule (4)-

(i) for the words " particular vessel", the words
"vessel or class of vessels" shall be substituted,

(ii) in clauses (a) and (b), for the words "the vessel", the words "such vessel or class of vessels" shall be substituted, and

(iii) after clause (b), the following word and clause shall be inserted, namely:-

"or

(c) for determining the order of priority in which specified goods or classes of goods shall be

put off or taken on board such vessel or class of vessels at a port in British India",.

4. In rule 91 of the said Rules -

(a) in sub-rule (3) for the words " Central Government" the words "Reserve Bank of India" shall be substituted;

(b) in sub-rule (4) for the words "by or on behalf of the Central Government," at both places where those words occur, the words "by the Reserve Bank of India" shall be substituted.

5. In rule 93 of the said Rules, for the words "Central Government" wherever they occur, the words " Reserve Bank of India" shall be substituted.

put off or taken on board such vessel or class
of vessels at a port in British India",

For rule 101 of the said Rules, the following rule
shall be substituted, namely:-

"Supervision
of suspected
business.

101. (1) If it appears to the Central
Government that the business of any perso
(hereinafter referred to as the suspected
person) should be subject to supervision
in order to secure compliance with the
provisions of this Part, the Central
Government may by order authorise a
controller or inspector to supervise such
business.

(2) A controller or inspector
authorised under sub-rule (1) may -

- (a) inspect or cause to be inspected
any books or documents belonging
to, or under the control of the
suspected person,
- (b) prohibit or regulate by means of
written instructions to the suspect
person or his agents or employees
any transactions or class of tran-
sactions of that person,
- (c) order any person to give such infor-
mation in his possession with --
respect to the business of the sus-
pected person as the controller or
inspector may require,

and for the purposes aforesaid, may -

- (1) enter and search, or authorise a
police officer not below the rank of
sub-Inspector to enter and search, any

-4-

premises used for the purposes of the business,

(ii) summon any person, examine him on oath, reduce his answers to writing and require him to sign the writing,

(iii) if any person so summoned fails to appear at the time appointed, cause him to be apprehended by a police officer and brought before him for examination.

(3) If any person contravenes any order lawfully given by a controller or inspector, that person shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine."

In rule 114 of the said Rules,

In sub-rule (1) -

(a) for the words "one or more custodians of enemy property" the following shall be substituted, namely:-

"a Custodian of Enemy Property for British India and one or more Deputy Custodians and Assistant Custodians ~~and~~ of Enemy property for such local areas as may be prescribed"; and

(b) in clauses (d) and (e) for the word "custodians" the word "custodian" shall be substituted.

After sub-rule (3), the following sub-rule shall be added, namely:-

(3A) In sub-rules (1), (2) and (3), the expression "custodian" includes a Deputy Custodian of Enemy Property and an Assistant Custodian of ~~any~~ Enemy Property. "

By Order,

Secretary to Government
Law Department.

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